

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

HECTOR BOSSIO,

No. 4:20-CV-1777

Plaintiff,

(Chief Judge Brann)

v.

WARDEN SPAULDING, *et al.*,

Defendants.

ORDER

SEPTEMBER 9, 2021

In accordance with the accompanying Memorandum Opinion, **IT IS
HEREBY ORDERED** that:

1. Defendant's motion to dismiss¹ is **GRANTED**;
2. Plaintiff's complaint is **DISMISSED** with prejudice in its entirety;
3. Plaintiff's motion for leave to file a brief out of time² is **DISMISSED** as moot;³
4. Plaintiff's motion to compel⁴ is **DISMISSED** as moot;
5. The Clerk of Court is further directed to **CLOSE** this case;

¹ Doc. 18.

² Doc. 17.

³ By Order dated December 10, 2020, Plaintiff's motion for preliminary injunction was withdrawn for Plaintiff's failure to file a brief in support. (Doc. 16). Because Bossio has failed to prevail on the merits of the instant civil right action, his motion for preliminary injunction is meritless. As such, Plaintiff's motion to file a brief out of time is unnecessary.

⁴ Doc. 27. The Court notes that Bossio's April 13, 2021 motion to compel has never been properly supported by the filing of a brief in support, as is required by M.D. Pa. Local Rule 7.5.

6. Any appeal from this Order is deemed frivolous and not in good faith.

See 28 U.S.C. § 1915(a)(3).

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann
Chief United States District Judge